

NOTICE OF OBJECTION TO CONFIRMATION

WELLS FARGO BANK, N.A. has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before, you or your attorney must:

File with the Court an answer, explaining your position at:

**Clerk  
U.S. Bankruptcy Court  
402 E. State Street  
Trenton, NJ 08608**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC	ALBERT RUSSO, Trustee
400 Fellowship Road, Suite 100	CN 4853
Mt. Laurel, NJ 08054	TRENTON, NJ 08650-4853

Attend the hearing scheduled to be held on 10/17/2018 in the TRENTON Bankruptcy Court, in Courtroom #3, at the following address:

**U.S. Bankruptcy Court  
402 E. State Street  
Trenton, NJ 08608**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: September 19, 2018

/s/ Nicholas V. Rogers  
Nicholas V. Rogers, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
Tel: 856-813-5500 Ext. 42689  
Fax: 856-813-5501  
Email: nicholas.rogers@phelanhallinan.com

**File No. 814838**

Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road  
Mt. Laurel, NJ 08054  
856-813-5500  
FAX Number 856-813-5501  
WELLS FARGO BANK, N.A.

In Re:

ANA R. VARGAS

Debtors

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
TRENTON VICINAGE

Chapter 13

Case No. 18-26512 - CMG

Hearing Date: 10/17/2018

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, WELLS FARGO BANK, N.A., the holder of a Mortgage on Debtor's residence located at 111 BURNHAM DR, FORDS, NJ 08863 hereby objects to the Confirmation of the Debtor's proposed Chapter 13 Plan on the following grounds:

1. Secured Creditor is WELLS FARGO BANK, N.A.
2. ANA R VARGAS, CARLOS G VARGAS are the owners of the property located at 111 BURNHAM DR, FORDS, NJ 08863.
3. Secured Creditor is in the process of filing a proof of claim. The approximate arrears are \$20,566.68.
4. Debtor's Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
5. Debtor's Plan currently provides for payment to Secured Creditor in the amount of \$0.00.
6. Debtor's Plan calls for the sale of the property. There is no documentation to support such a proposal. The proposed sale of the property is speculative in nature.
7. Secured Creditor objects to Debtor's Plan as it is severely underfunded. Debtor's Plan should be amended to fully fund the arrears owed to Secured Creditor during the term

of the Plan rather than rely on speculation that the property will be sold. Absent a modification by the Debtor, confirmation of Debtor's proposed Plan should be denied.

8. Secured Creditor is opposed to sale of the subject property unless it pays Secured Creditor's lien in full, subject to a payoff. Furthermore, if the Debtor seeks to sell the property then Secured Creditor demands full post-petition mortgage payments be made while sale is pending. Accordingly, confirmation of Debtor's proposed Plan should be denied.

WHEREFORE, WELLS FARGO BANK, N.A. respectfully requests that the Confirmation of Debtor's Plan be denied.

/s/ Nicholas V. Rogers  
Nicholas V. Rogers, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
Tel: 856-813-5500 Ext. 42689  
Fax: 856-813-5501  
Email: [nicholas.rogers@phelanhallinan.com](mailto:nicholas.rogers@phelanhallinan.com)

Dated: September 19, 2018

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

814838  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
856-813-5500  
Attorneys for WELLS FARGO BANK, N.A.

In Re:

ANA R. VARGAS

Case No: 18-26512 - CMG

Hearing Date: 10/17/2018

Judge: CHRISTINE M.  
GRAVELLE

Chapter: 13

**CERTIFICATION OF SERVICE**

1. I, MICHAEL ROCKS:

☐ represent the \_\_\_\_\_ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC,  
who represents WELLS FARGO BANK, N.A. in the above captioned matter.

☐ am the \_\_\_\_\_ in the above case and am representing  
myself.

2. On September 19, 2018 I sent a copy of the following pleadings and/or  
documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent  
using the mode of service indicated.

Dated: September 19, 2018

/s/ MICHAEL ROCKS  
MICHAEL ROCKS

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Ana R. Vargas 111 Burnham Drive Fords, NJ 08863	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Bruce C. Truesdale, Esquire 147 Union Avenue Suite 1E Middlesex, NJ 08846	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Albert Russo, Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.